

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.9678 of 1998

Dated: 26-03-2007

Between:

1. Madarapu Jalapathi Rao, s/o late Chowdaraiah and another.

... Petitioners

and

1. The Government of Andhra Pradesh,
rep. by its Secretary, R & B Department,
Secretariat, Hyderabad and 2 others.

... Respondents

ORDER:

This writ petition is filed seeking a *mandamus* to declare the inaction of respondents in not initiating the proceedings under the Land Acquisition, Act, 1894 (for short, 'the Act') with regard to the lands in an extent of Ac.3-82 gts. in Sy.No.218, situated at Easgaon village, Kagaznagar Mandal (erstwhile Asifabad Tq.), Adilabad District even after taking possession of the said lands along with other lands, as arbitrary and illegal and consequently direct respondents to initiate proceedings under the Act in regard to the lands in question.

2. It is the case of petitioners that they are pattadars and owners of the lands bearing Sy.No.218, situated at Esagaon village, Kagaznagar Mandal (Erstwhile Asifabad Tq.), Adilabad District. It is stated that the Government had acquired about Acs.154-51 gts. of land situated at Nazrul Nagar, Esagaon village for the purpose of formation of Railway doubling line between Sirpur town to Sirpur Kagaznagar and third respondent issued 4(1) notification, dated 22-12-1987 and passed an award by Proc.No.A/767/84, dated 18-02-1990.

3. The grievance of petitioners is that though possession of their lands was taken along with other lands in the year 1982 for the purpose of formation of Railway doubling line between Sirpur town to Sirpur Kagaznagar, respondents have not initiated any proceedings under the Act in respect of their lands.

4. Heard learned counsel for the parties.

5. A counter affidavit is filed on behalf of third respondent, wherein it is stated that the lands in question were never acquired nor possession was taken. Further, it is stated that Assistant Director (S&LR), Adilabad, who is competent to decide the location of scattered S.Nos. has clearly shown the actual location of the lands in question and stated that they are far away from the railway track. It is further stated that the lands in question were also jointly inspected by the Railway authorities and the Mandal Surveyor, Kagaznagar on 30-06-1994, and confirmed the fact of revised location of S.No.218 and also certified that no portion of that land has been acquired.

6. In the light of the statement that the lands in question are not at all acquired and no possession is taken, the relief sought for in this writ

petition cannot be granted.

7. Accordingly, the writ petition is dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.26-03-2007

GLV